REMARKS

Claims 1-24 were pending at the time of examination. Claims 2-3, 15-16, 18-19 have been canceled. Claims 1, 9, 14, 17 and 20 have been amended. No new matter has been added. The applicant respectfully requests reconsideration based on the foregoing amendments and these remarks.

Claim Rejections – 35 U.S.C. § 101

Claims 14-16 were rejected under 35 U.S.C § 101 as being directed to non-statutory subject matter. In particular, claims 14-16 were rejected because they recite computer program code which is non statutory as not being tangibly embodied in a manner so as to be executable. The applicants have amended claim 14 to recite that the computer program product is "stored on a machine readable medium." Claims 15-16 have been canceled. Thus, the applicants respectfully submit that the rejection under 35 U.S.C § 101 is moot and should be withdrawn.

Claim Rejections – 35 U.S.C. § 103

Claims 1, 4, 14, and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cruz, "Linux Kernel: Problem with interfaces and ioctl", August 1, 2001 (hereinafter "Cruz"), in view of Weinstein, "Zombie Process" (hereinafter "Weinstein"). Claims 2-3, 5-6, 8-11, 13, 15-16, 18-22 and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cruz and Weinstein and further in view of U.S. Patent No. 6,002,870 to Faulkner et al. (hereinafter "Faulkner").

Claim 1 has been amended to include limitations similar to the limitations of claim 3 (now canceled) in order to further specifying the "modifying" step. Thus, the last step of claim 3, as amended, recites:

> "modifying the running parent process associated with the defunct child process by creating an agent thread inside the running parent process, the agent thread being operable to force the running parent process to collect exit information for the defunct child process, thereby enabling the collection of exit information for the defunct child process associated with the running parent process without terminating the running parent process."

Thus, by creating an agent process inside the running parent process, exit information for the defunct child process can be collected without terminating the running parent process. It is respectfully submitted that none of the cited prior art documents shows the creation

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of an agent inside a running parent process, which collects exit information for a defunct child process.

The Examiner acknowledges in a previous Office Action, dated February 9, 2005, that "the combination of Cruz and Weinstein doesn't explicitly disclose creating an agent thread" (page 6, 2nd paragraph), but alleges that Faulkner in an analogous art teaches creating an agent thread inside the parent process, and refers to col. 7, lines 42-49 of Faulkner. However, the applicants respectfully disagree. The cited section of Faulkner teaches that "The agent LWP is created by the controlling programmed-process and is attached to the target programmed-process" (col. 7, lines 43-45)." Further down in the same column, Faulkner states "...only one agent LWP can be active in the target programmed-process at any given time and that agent LWP must be capable of performing calls as specified by the controlling programmed-process" (col. 7, lines 62-65). This again reinforces that the agent works within a target programmed-process, and not within a "running parent process," as required by claim 1.
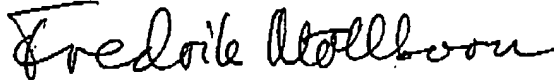
Furthermore, as the applicants have pointed out in previous responses, Faulkner makes no mention of zombie processes or defunct processes. Modifying a process by attaching an agent thread, on the one hand, and reaping zombie processes or defunct processes, on the other hand, are two distinct ideas, which are merged in a non-obvious way by the techniques and mechanisms of the present invention.

In light of the above remarks relating to independent claims 1, 14, 17, and 20, the rejection of claims 1, 14, 17, and 20 under 35 U.S.C. 103(a) is unsupported by the art and should be withdrawn. Similarly, the respective dependent claims 4-13 and 21-24 are neither anticipated nor rendered obvious for at least the reasons noted above.

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Conclusion

The applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP

Fredrik Mollborn
Reg. No. 48,587

P.O. Box 70250
Oakland, CA 94612-0250
(650) 961-8300

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